

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, APRIL 19, 2007
8:00 A.M.**

Commissioners Present: Bernie Heier, Vice Chair
Larry Hudkins
Ray Stevens
Deb Schorr

Commissioners Absent: Bob Workman, Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
John Glynn, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Vice Chair opened the meeting at 8:00 a.m.

AGENDA ITEM

1 APPROVAL OF MINUTES OF THE STAFF MEETING MINUTES OF THURSDAY, APRIL 12, 2007

MOTION: Stevens moved and Heier seconded approval of the Staff Meeting minutes dated April 12, 2007. Stevens, Heier and Schorr voted aye. Hudkins was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Meeting Regarding the Lancaster County Agricultural Society
- B. Meeting Regarding Alternatives to Incarceration

MOTION: Stevens moved and Schorr seconded approval of the additions to the agenda. Schorr, Stevens and Heier voted aye. Hudkins was absent from voting. Motion carried.

3 PURCHASE OF LAND (EXECUTIVE SESSION) - Don Killeen, County Property Manager; Mike Thurber, Corrections Director; JoAnne Kissel and Dennis Scheer, The Clark Enersen Partners

MOTION: Schorr moved and Stevens seconded to enter Executive Session at 8:02 a.m. to discuss the possible purchase of land. Stevens, Schorr and Heier voted aye. Hudkins was absent from voting. Motion carried.

Hudkins arrived at the meeting.

MOTION: Schorr moved and Stevens seconded to exit Executive Session at 8:48 a.m. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

4 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A).

Hudkins expressed concern regarding the impact of LB 502 (Change inheritance tax rates).

5 BAILIFF JOB DESCRIPTION - Don Taute, Personnel Director; John Cripe, Classification and Pay Manager; District Court Judge Paul D. Merritt, Jr.

District Court Judge Paul D. Merritt, Jr. presented a tentative job description and an addendum prepared by the District Court Bailiffs (Exhibits B and C). It was noted that the description and addendum do not apply to the Juvenile Court Bailiffs; the County Court Bailiffs, which are under the State system; or the Work Release Officers that are technically classified as bailiffs.

Discussion followed, with general consensus that a job description is not necessary.

Schorr asked that an item addressing the bailiffs in the unclassified service be added to the legislative agenda.

6 LANCASTER MANOR FOOD SERVICE CONTRACT - Vince Mejer, Purchasing Agent; Bob Walla, Assistant Purchasing Agent; Denise Schachenmeyer, Food Service Director at Lancaster Manor

Discussion took place with Bob Walla, Assistant Purchasing Agent, and Denise Schachenmeyer, Food Service Director at Lancaster Manor, regarding a proposal to have Lancaster Manor join the Lincoln Area Agency on Aging in piggybacking on the University of Nebraska at Lincoln's (UNL's) contract with Cash Wa of Kearney, Nebraska for food service (see agenda packet for price comparisons).

Hudkins questioned whether there would be a difference in food quality.

Schachenmeyer said quality can differ between vendors and will be monitored.

Vince Mejer, Purchasing Agent, said if the quality of the food does not meet expectations, the County can cancel the contract.

Schachenmeyer said she still has concerns as to whether Cash Wa will be able to provide specialty items.

Walla said Cash Wa has indicated that special order items will be brought in, as needed and requested. Cash Wa has an office and warehouse in Lincoln and will make daily deliveries, Monday through Friday.

Hudkins asked whether the contract would be exclusive or whether other vendors, such as Pegler and Lincoln Poultry, could be utilized.

Walla said at least 80% of the food must be purchased through Cash Wa.

Mejer noted that those vendors had an opportunity to bid on the contract with UNL.

There was general consensus to proceed with development of the contract.

Walla also stated that Aging and the Manor can be added to UNL's milk contract with Robert's Dairy. They could not be added to UNL's bread contract, but can be added to the State's bread contract with Interstate Breads (Wonder Bread).

7 RURAL TRANSPORTATION ASSISTANCE GRANT APPLICATION - Wayne McClerron, Lancaster County Rural Transit Manager

Wayne McClerron, Lancaster County Rural Transit Manager, presented Lancaster County Rural Transit Budget Summary (see agenda packet) and Lancaster County Rural Transit, History Comparison (Exhibit D).

Schorr requested an explanation of the projected increase in annual boardings (see Exhibit D).

McClerron said he plans to increase marketing and believes it will increase ridership.

It was suggested that McClerron explore distributing information about the service through the Visiting Nurse Association and the Human Services Federation.

Stevens questioned the increase in the Schools and Conference line item.

McClerron said he would like to attend a Community Transportation Association of America (CTAA) conference.

MOTION: Schorr moved and Hudkins seconded to authorize the Chair or Vice Chair to sign the application for Public Transportation Assistance for the Lancaster County Rural Program.

Eagan recommended that the Board take action at a Board of Commissioners Meeting.

The maker of the motion and the seconder withdrew their motion.

The item was scheduled on the April 24, 2007 Board of Commissioners Meeting agenda.

8 ACREAGE GREENBELT DISCUSSION - Catherine Lang, Property Tax Administrator

Catherine Lang, Property Tax Administrator, said her department began two years ago to work with the Revenue Committee, and in particular with Senator Raikes, on examining the definition of agricultural land and drafting a legislative bill to change the methodology to determine if a parcel is going to qualify as agricultural land, and if so, if it qualifies under the special valuation. An interpretation that had been adopted by her agency, and applied by county assessors, where the use of every single acre is looked at and a determination is made, based on every single acre within a parcel and their use, was also examined. Senator Raikes proposed legislation (LB 808), which was passed by the Legislature during the 2006 Legislative Session, which amended the definition of agricultural and horticultural land found in Nebraska Revised Statute §77-1359 (R.R. Supp. 2006) (Exhibit E). She said "We are going to look at the parcel, whatever that parcel is, and determine whether it is primarily being used for agricultural purposes". Lang said the definition of agricultural purposes was expanded to be more generic: *Agricultural or horticultural purposes shall mean used for commercial production of any plant or animal product in a raw or unprocessed state that is derived from the science and art of agriculture, aquaculture, or horticulture.* She said the other key component was that the word parcel was added: *Agricultural land and horticultural land means a parcel of land which is primarily used for agricultural or horticultural purposes . . .* There is no acre or income requirement. Lang said that allows for the diversity of agriculture across the state to be considered by local officials and applied reasonably for their location. She said her department worked with county assessors to develop general guidelines and said she believes most are following those guidelines in terms of how they have implemented the change in the law.

Hudkins also asked Lang to explain "predominant use".

Lang said the County Assessor will look at the "primary", rather than "predominant", use of the parcel. She said that usually means 51% and said even if 51% of the acres are being used, they have to be used in a way that meets the definition of agricultural or horticultural purposes. Lang said any prior granting of special value was not an abuse and said the difference is "we are now taking acres of ground that may have been qualifying under special valuation and as agricultural land and saying that the parcel is not primarily used as ag, and therefore none of the acres on the parcel can qualify as ag".

Schorr asked whether property owners will want to split their parcels so that they can be looked at separately.

Lang said that is a possibility.

Schorr asked whether Conservation Reserve Program (CRP) acres that are not being used for commercial production would qualify.

Lang said land that is enrolled in federal programs is deemed to be used for agricultural purposes.

Stevens clarified that it may not qualify for greenbelt (special valuation) because you will be looking at the entire parcel.

Lang said that is correct. If there isn't a primary use for ag, the parcel will be at the full market value.

Schorr asked how many protests have been filed.

John Glynn, Deputy County Clerk, said 110 have been filed, to date. He said the County Assessor has recommended that 26 of the 60 that have been scheduled for hearing be approved.

Hudkins said he believes the Board needs to accept those recommendations and communicate that to the property owners to save them from having to appear at a hearing.

Glynn said the County Assessor has prepared a letter a recommendation. A copy of that letter is sent to the property owner with the hearing notice.

Mike Thew, Chief Deputy County Attorney, appeared and said it is up to the Board to decide whether or not to accept the recommendations. He said the Board could state it will agree in those cases where the County Assessor has recommended that greenbelt status be reinstated but by doing so, the Board would be advocating its responsibilities because it would be making decisions without hearing the evidence.

In closing, Lang said this will be a learning process. She estimated that 95% of the parcels that are involved in the shift will be easy to determine and said the remaining 5% are in a "gray area". Lang added that she will be watching to see what County Boards do with that 5%.

9 LANCASTER MANOR REQUEST FOR PROPOSALS/REQUEST FOR INFORMATION (RFP/RFI) - Vince Mejer, Purchasing Agent; Bob Walla, Assistant Purchasing Agent

Vince Mejer, Purchasing Agent, explained the differences between a Request for Proposals (RFP) and a Request for Information (RFI). He also discussed the information that is needed to prepare the document (see agenda packet), stating three years of information is required.

Hudkins suggested that Dave Kroeker, former Budget and Fiscal Officer, be asked to assist with gathering that information.

MOTION: Schorr moved and Hudkins seconded to proceed with a Request for Information (RFI) for the following scenarios: 1) Sell the facility; 2) Lease the facility; 3) Management Company; and 4) Consulting Services.

Walla said consulting services would require a separate RFI.

The maker of the motion and the seconder agreed to eliminate consulting services from the list of scenarios in the RFI.

ROLL CALL: Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

Mejer agreed to bring a draft back in two weeks.

10 PURCHASE OF TWO (2) FEDERAL EMERGENCY MANAGEMENT AGENCY FEMA TRAILERS - Doug Ahlberg, Emergency Management Director; Vince Mejer, Purchasing Agent

Doug Ahlberg, Emergency Management Director, requested authorization to purchase three (3), rather than two (2), surplus Federal Emergency Management Agency (FEMA) travel trailers at a cost of \$2,500 each, plus delivery. He proposed locating the trailers in the Villages of Raymond and Bennet and the City of Lincoln. The three funding sources will be the department budget, the Disaster Recovery Fund and Emergency Management Program Grant (EMPG) funds.

MOTION: Hudkins moved and Stevens seconded to authorize Doug Ahlberg, Emergency Management Director, to work with the Purchasing Agent and to proceed with the purchase of three (3) surplus Federal Emergency Management Agency (FEMA) travel trailers. Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

11 ACTION ITEMS

A. 1st Choice Credit Union Flyer with May 3, 2007 Paycheck

MOTION: Hudkins moved and Stevens seconded approval. Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

12 CONSENT ITEMS

A. City-County Common Agenda Items (May 8, 2007)

The Board asked that discussion of the jail be added to the agenda.

13 ADMINISTRATIVE OFFICER REPORT

A. Lancaster Manor Interim Director

MOTION: Hudkins moved and Stevens seconded to direct Kerry Eagan, Chief Administrative Officer, to contact Ron Fetters, a contract nursing home administrator, and ask if he would be available to look at the facility and meet with the Board on Tuesday, April 24th. Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

Eagan was also asked to check with the County Attorney's Office whether the discussion can be held in Executive Session and whether the County Board can take Mr. Fetters to lunch.

Hudkins commented on a April 12th Lincoln Journal Star newspaper article that addressed the search for a new director.

B. Furniture and Equipment Used by Region V for Integrated Care Coordination Unit (ICCU) Program (Located at Trabert Hall)

Schorr said Region V has expressed interest in a month-by-month rental contract for the space in Trabert Hall. Adult Probation has also expressed interest in leasing space in the building.

Gwen Thorpe, Deputy Chief Administrative Officer, said the Board had previously indicated that the furniture and equipment would remain the property of the County.

NOTE: The computer equipment was transferred to the State.

MOTION: Hudkins moved and Stevens seconded to authorize Gwen Thorpe, Deputy Chief Administrative Officer, to draft a letter to Region V, for signature by the Chair or Vice Chair, indicating that the furniture that was purchased with the Families First & Foremost (F³) Grant Program funds will stay at Trabert Hall. Stevens, Heier and Hudkins voted aye. Schorr voted no. Motion carried.

14 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Information Services Policy Committee - Stevens

Stevens reported on installation of redundant fiber for Lancaster Manor.

- B. Nebraska Association of County Officials (NACO) Board of Directors - Heier

Heier said discussion focused on investments.

- C. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens

No report.

- D. Meeting of Public Building Commission (PBC) Representatives and the Mayor - Hudkins

Hudkins said the Mayor reiterated her interest in finishing the third floor of the County-City Building.

- E. Youth Services Center Advisory Committee - Heier

No report.

ADDITIONS TO THE AGENDA

- A. Meeting Regarding the Lancaster County Agricultural Society

Eagan said Alan Wood, Lancaster County Agricultural Society Counsel, and Ron Snover, Lancaster Event Center Managing Director, have invited him, Dennis Meyer, Budget and Fiscal Officer, and Lauren Wismer, Bond Counsel, to a meeting to discuss possible bonding for Phase II of the Ag Society's Construction Program.

B. Meeting Regarding Alternatives to Incarceration

Schorr said those in attendance offered ideas of things that could be done within the judicial system to reduce the jail population. She said Boesch will rework and prioritize those ideas and will call the group back together in a month to target several to see how population "pockets" might be addressed.

Stevens said there was consensus that there is a need for a facility, other than the jail, to house lower level offenders.

15 ADJOURNMENT

MOTION: Schorr moved and Stevens seconded to adjourn the meeting at 11:35. Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk